Previous references.
LR. 247-06/07

1906.07
(Courts)

Ch File No. 120-06
Serial Nos. 1-4

Later references.
Ch 173-12 + 3
Proc. at Dep. N° 71-09

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B. for March 1907.

SUBJECT.

Service of summons on officers of the state from Courts outside the State.

Table of contents.

From the Revenue Commissioner in Mysore N° 3639 dated 12.10.1906.

States that in anticipation of sanction he has permitted Mr H.H. Sparks, Dy Commr to attend the High Court at Madras on the 31st October 1906. in obedience to a Summons & that it would be desirable if summons on officers of the State from Courts outside the State are served through the Head of the Department

G. R. S. 58

and that the Hon'ble the Resident may be addressed in the matter.

Do the 2A. Resident No 2149 dt 19.12.06.

Brings to the notice of the Resident the inconvenience caused by summonses requiring the attendance of officers of the Durbar before Civil Courts in British India being sent by such courts direct to the officers summoned instead of through their official superiors and requests that arrangements may be made to ensure that whenever the personal attendance of an officer of the Durbar is required before a Civil Court in British India the summonses may be sent through the Durbar.

3 Dom the 2A. Resident No 552 dt 1.2.1907

States that the Madras high court has issued a rule of practice under Sec 652 Civil Procedure Code (Madras) directing that a process issued by a Court in the Madras Presidency for service in Mysore should be forwarded direct to the Court exercising the local jurisdiction at the place where it is to be served and that if in future, this rule is not observed the Resident would bring the matter to the notice of the Madras Govt and suggests that the object which the Durbar has in view can be effected by their own chief Court issuing a rule of practice directing the Civil Courts in Mysore to arrange

G.R.S. 11] 1906.

GENERAL AND REVENUE SECRETARIAT

(III Courts)

NOTES.

Ch. File. No. 120-06.

FILE HEADING.

Service of Summonses on officers of the State from Courts outside the State.

From

The Revenue Commissioner, in Mysore

No. 3639 Dated 12.10.06 Received 13.10.06

Diary No.	Enclos.	Spare Copies.	Serial No.
L.Rev. 3731 / Jud 109-	2	-	1

BRIEF ABSTRACT OF LETTER.

States that, in anticipation of sanction, he has permitted Mr. Sparkes, Dy. Coll. to attend the High Court at Madras on the 31.10.06, in obedience to a summons. & that it would be desirable if summons on officers of the State from Courts outside the State, are served through the Head of the Department concerned & that the Hon'ble the Resident may be addressed in the matter.

NOTES AND ORDERS.

Secretary's order on L.R. file 247 of 06-07:—

Issue the draft and let the matter (Service of processes) be further considered in the Judicial Branch, where there must be previous reference.

(Sd) K.S.C
27.10.06.

Draft issued.
To Branch III
(Sd) AS.

NOTES—First sheet. 3-11-06.

GPB—30,000—20-3-06.

G.R.S. 12]

General and Revenue Secretariat.

C/S File No. 120 of 1906

Serial No.

Subd with necessary references. (see flags R, R2, S, T, X, V & Z.).

PV 7-11-06. The following references are put up.

Flag V 1. Copy of Chief Comrs Notification No. 111 C: 23-7-1877

2. Copies of Govt orders in the matter of direct correspondence between the Officers of the Mysore State & of the British Govt.

Flag R

3. Printed Collection of papers regarding the necessity to secure complete reciprocity between Mysore & British India as regards processes issued by the Mysore Magisthals.

Flag T

4. C/S File No. 132-05, S. Nos 1-15 regarding the Service of certain summonses on the file of the Asst Magte of Benares.

Flag X

5. C/S File No. 117 of 05, S. Nos 1-6, regarding the grant of batta to Govt servants attending Courts as witnesses at the instance of private parties.

Flag Z

6. C/S File No. 301, S. Nos 1-6, in which the Resident reprsed to move the ~~Dt Magte~~ Sessions Court of South Canara to issue a commission for the examination of Mr. Y. Srinivasamurthi, Executive Engineer, T. L. R. File No. 417 of 05, S. Nos 1 & 2, in which the Resident states that no general reference can be made to Local Govts in the matter of the issue of a commission for the examination of Mysore officers as witnesses and that representations in individual cases will be duly attended to

Flag S.

Flag U.

Note—Contn. sheet

GPB—50,000—23 10-05

Serial No. 15

The point for consideration is the desirability of ~~sending~~ requesting the Courts outside the State to send the summonses issued by them through the Head of the Depts Concerned.

4 Section 72 (1) of the Criminal Procedure Code lays down that where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed. There is a similar provision in the British Code. All the summonses issued by the Courts or Magts ~~concerned~~ outside the State do not pass thro' the Resident in Mysore. They are generally sent to the Magistrates or Courts having jurisdiction in the State under the authority of Ch: Court's Proceedings of 23rd July 1878. In such cases we may issue a Circular instruction to all our Magts or Courts to serve the summons thro' the Head of the Dept Concerned. In Cases in which summonses are received by us thro' the Resident, the we may

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

C6 File No. 120 of 1906

Serial No.

Send them thro' the Heads of the Depts concerned. Anyhow, there is no objection to invite the attention of the Courts + Magts in British States to the provisions of Section 72(1) of the Cr. Pro. Code

SV
8/11/06

5 — The references put up do not throw much light on the question.

6 Put up draft to the Residency mentioning the incident and requesting that Civil & Criminal Courts in Mysore & Magts exercising powers of Govt Battery may be instructed to send the summons thro' the Govt & thro' the Head of the Dept

bw
9-11-06.

7 Submitted with a draft to the Residency.

SV
12/11/06 | VA

bw
14-11-06

Secy)

8 The provision of law under which Criminal processes from outside the State are served here is the Chief Court's Notfn No 111 of the 23rd July 1878. This requires that all such processes are sent by the British Indian Magistracy for service to Magistrates in

HV

submitted
subject to the
decision of the
Dy Commr &
Asst Commr
in charge
of the
Residency
Court

12/11

12/11

NOTE—Contn. sheet

GPB—50,000—23 10-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 120 of 1906

Serial No.

Police Officers in Mysore, & Mr. Dwarkanath is the Officer summoned. If this is so, it seems sufficient, so far as criminal cases are concerned, to include our Mysore & Police Officers to serve their processes through the Heads of the Officers concerned as required by our section 72(1).

If the difficulty arises, chiefly, I believe in connection with summonses in Civil cases (the case in which Mr Sparkes was summoned was apparently such a case) our reference to Sec. 72 may be confined to this class of cases only, & the alleviation of S. 72(1) of the Indian Civil Procedure Code omitted. Please let us have your views accordingly.

10 Perhaps next draft by 17.11.06

11 Draft submitted for approval by 19.11.06

19/11

To 1st Comr

19.11.06

12 Draft may be approved - [Better take the Revenue Secretary's approval]

Letter & Secret.

Secret

Mr. 21/11/06

Mr. 8/12/06

Approved Secret

GB 15/12

Mr. 17/12/06

1455 20-11-06

3209 21/11/06

Note—Contn. sheet

GPB—50,000—23.10.05

G.R.S. 12]

General and Revenue Secretariat.

C.S. File No. 120 of 1906

Serial No.	
2	To the T. A. Resident. No. P.d 491 dy 19.12.06. Brings to the notice of the Resident the inconvenience caused by Summonses requiring the attendance of officers of the Durbar before Civil Courts in British India being sent by such Courts direct to the officers summoned instead of through their official superiors & requests that arrangements may be made to ensure that whenever the personal attendance of an officer of the Durbar is required before a Court in British India, the summonses may be sent through the Durbar.
3	From the T. A. Resident No. 552 of 1.2.07. States that the Madras High Court has issued a rule of practice under Sect 652 Civil Procedure Code (Madras) directing that a process issued by a Court in the Madras Presidency for service in Mysore should be forwarded direct to the Court exercising local jurisdiction at the place where it is to be served & that, if in future this rule is not observed, the Resident would bring the matter to the notice of the Madras Govt. and suggests that the object which the Durbar has in view can be effected

NOTE—Contn. sheet

GPB—50,000—23-10-05

Serial No.

by their own Chief Court issuing a rule of practice directing the Civil Courts in Mysore to arrange for the service of British summonses through the Heads of Depts or any other prescribed channel.

Subd for orders. May the Chief Ct be addressed in the matter?

KS. 4.2.07

MG 5/2/07 15 The Resident says that the rule contained in the late Chief Commr's Notfn No. 112 of 28th Jan 1878 has the force of law in the Mysore State. Is it one of the rules included in the Schedule referred to in Article 19 of the Instrument of Transfer?

MG 6/2/07 Yes. Vide page 29 of the accompanying Compilation MG 6/2/07

7 The Chief Court may be asked to issue necessary instructions to all Civil Courts in the Province to forward processes issued by Civil Courts in British India through the Heads of the Depts concerned.

Secy) MG 7/2

GPB—50,000—23-10-05

G.R.(S.) 12]

General and Revenue Secretariat.

File No. 120 of 1906

Serial No.

If so, perhaps a draft as above which would also deal with the case referred to in Foreign Dept. note of 17-11-06 —

7-2-07

W
7/2/07

Ch for approval

7/2

Draft subd, as directed.

K.N. 8.2.07 Secy.

W
9/2/07

2. There is a standing order that correspondence with the Residency should not be published, or, in ordinary circs, even communicated to any subordinate officers. Why then is the correspondence referred to in the present case published? Please revise it omitting the refce to such correspondence. Begin by referring to the Chief Commr's letter of 1905 re: Appeals of Civil & Criml Proceedings from the decisions of the Residency Courts to the Madras High Court, & to the rule of the Hyderabad Chief Court, & asking that cases of non-observance might be brought to the notice of Govt.

7/2/07

W
9/2/07

Ch for revising the draft

7/2

NOTE—Contn. sheet

MGCPB—50,000—24-7-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 120 of 1906.

Serial No.

Submitted with a draft.

Sect SW 13/2/07 15/2 Seen) W 15/2/07

2nd draft slightly revised, & submitted for approval.

To Dewan Sir 16.2.07 16/2/07

2100. 16/2/07

The draft may be approved. W 16/2/07

3907 27.2.07

Approved by Dewan.

W 25/2/07

Approved by Dewan.

28/2/07

USB 17/3/07

Dewan 18/3/07

4. To the Registrar & the Chief Court of Mysore W 18/3/07
" the D. S. of Police
" the District Magistrate
To the Revenue Court in Mysore

No 92878-88 & 20.3.07.

Requests the chief Court to issue necessary instructions to the Civil Courts in the State to serve in the processes received from the Civil Courts in British India through the Heads of Departments and as regards Criminal processes issued by Magistrates

NOTE—Contn. sheet

MGCPB—50,000—24-7-05

G.R.S. 12]

General and Revenue Secretariat.

Cb File No. 110 of 1906

Serial No.	
0	in British India under notification no 101 of the 23/7/1878 invite the attention of Magistrates and Police officers to Sec 72 (1) of the Criminal Procedure Code, Regn 5 1904 and direct them to serve these processes through the Heads of offices concerned.

Note—Contn. sheet

MGCPB—50,000—24-7-05

No.3639 Office of the Rev.Comr in Mysore.

Bangalore 12th October 1906.

From

A. Rangaswami Iyengar Esquire, B.A.,B.L.,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness

the Maharaja of Mysore,

General and Revenue Departments

Sir,

I have the honor to forward herewith for the orders of Government, letters Nos.285 and 291 dated the 6th and 8th October 1906, respectively, from the Deputy Commissioner, Bangalore District requesting permission to attend the High Court of Madras on the 31s instant, in obedience to a summons, and to state that, in anticipation of the sanction of Government, I have permitted the Deputy Commissioner to comply with the summons.

2. It would be desirable if, in future, summonses on officers of the State from courts outside the State are served through the Head of the Department concerned and I would suggest the advisability of the Hon'ble the Resident being addressed in the matter.

I have the honor to be,

Sir,

Your Most obedient servant,

Sd/ V.R.Nagarajier

For Revenue Commissioner.

True Copy,

G.R.S. 26]

ale

Diary No. of letter replied to 1089

es File No. 120-06
Serial No 2

No. 4918/19.12.06

General and Rev. Secretariat
(")
, *the* 190 .

To

The First Assistant
to the Hon'ble the Resident
in Mysore

Date of issue

Signed by

Sir,

I am directed to request you to be so good as to bring to the notice of the Hon'ble the Resident the inconvenience caused by summonses requiring the attendance of officers of the Durbar before Civil Courts in ~~India~~ British India being ~~sometimes~~ sent by such Courts direct to the officers summoned instead of through their official Superiors. In a recent case before the

over High

SUBJECT.

Court of Madras, Mr. H. H. Sparkes Dy Commr of Bangalore was summoned to attend at Madras, but the Summons was not sent either through the Durbar or through the Revenue Commissioner in Mysore.

2. I am to request that arrangements may be kindly made to ensure that, whenever the personal attendance of any of the Durbar officers before a Court in British India is found necessary, the summonses may be sent through the Durbar.

I have &c

for Secretary

List of enclosures,

nil.

19/12/06 -

Copied by

Examined by 18/12

B. G. 19.12.

J 1937

No. 552

Pol 1155

FROM

F. P. RENNIE, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 1st February 1907.

SIR,

I am directed to acknowledge the receipt of Mr. Chandrasakara Aiyar's letter, Pol No. 491, dated 19th December 1906, relative to the transmission through the Durbar of processes issued by civil courts in British India for the personal attendance of officers in the employ of the State and in reply, to state as follows:-

2. Under the late Chief Commissioner's Notification No. 112, dated 23rd July 1878, which has the force of law in the Mysore State, all processes of whatsoever description issued by any civil court in British India are to be executed in Mysore, as if such process had been issued by a Court having jurisdiction in that State. In conformity with the provisions of this Notification the Madras High Court has issued a Rule of Practice under Section 652 Civil Procedure Code, directing that a process issued by a Court in the Madras Presidency for service in Mysore should be forwarded direct to the Court exercising local jurisdiction at the place where it is to be served. According to this rule the process issued in the case

page 82 of the Madras Civil Courts Guide.

case which has given rise to this correspondence should have been sent to the Munsiff of Bangalore for service, and not to Mr.Sparkes direct. In this connection therefore, I am to say that, if in future, this rule is not observed, the Resident will bring the matter to the notice of the Madras Government.

3. At the same time I am to suggest that the object which the Durbar have in view can be effected by their own Chief Court issuing a Rule of Practice directing the Civil Courts in Mysore to arrange for the service of British summonses or, as would probably be found convenient, all summonses requiring the personal attendance of Durbar officers through the Head of the Department or other prescribed channel. This course will, while obviating the inconvenience referred to in the letter under reply, facilitate the speedy execution of processes of British Courts in the Mysore State.

I have the honour to be,

Sir,

Your most obedient servant,

for First Assistant Resident.

Sanction

G.R.S. 28]

File No. 120.06
Serial No. 4

Diary No. of letter replid to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Genl)

, *the* 190

Date of issue

Signed by

READ.—

Letter no 3639 dated the 12th October 1906 from the Revenue Commissioner in Mysore, stating that in anticipation of Sanction he permitted Mr Sparks, Deputy Commissioner of the Bangalore District to attend the High Court at Madras on the 31st October 1906 in obedience to a Summons issued by that Court and that it would be desirable if Summons on Officers of the State from Courts outside

ORDER THEREON.—NO.

over

SUBJECT

the State are carried through the Heads of Departments concerned.

1937.

Order thereon No J2878-88 Dt 20-9-07
BG 120-06-4

Under the late Mysore Chief Commissioners' Notifications Nos 111 and 112 dated the 23rd July 1878, all Criminal and Civil processes of whatsoever description, when issued by ~~any~~ Magistrates or Courts (of competent jurisdiction) ~~respectively having jurisdiction in any district of~~ in British India are required to be acted upon and executed by all Magistrates and Police officers and all Courts in Mysore, respectively under the same conditions, and in the same manner, as if such process had been issued by a Magistrate or Court, as the case may be, having jurisdiction in Mysore.

Subs. by Govt
It is better to insert the words "of competent jurisdiction after "magistrates" wherever they occur in this - Orders - 16-10-07

Sent ml 18/9/07
Compd 19/9/07

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

of the said Notfn No. 112

2. In conformity with the provisions, the Madras High court has issued a rule of practice under sec 652 of the Civil Procedure Code directing that a process issued by a court in the Madras Presidency for service in Mysore should be forwarded direct to the court exercising local jurisdiction at the place where it is to be served. As ~~the service of process~~ ~~directly in the which concerned~~ ~~is restricted to be attended~~ to be attended with unless through the head of this Dept. is from ~~as the processes for service~~ ~~of officers of Government~~ ~~do not pass through the Head~~ ~~the departments to which~~ ~~they belong~~, the Civil Court will be requested to issue the necessary instructions to all civil courts in the State to serve such processe received from the civil courts in British India through the Heads of Departments concerned.

3. As regards Criminal processes issued by magistrat ~~from outside~~

in British India under N/Hfn No 111/
~~the State Govt~~ for Service in the attention of
State, the Magistrate and Police
in Mysore ~~Officers~~ bound to
~~another~~ ~~are to be~~ invited
~~instructed~~ to serve those
processes through the Heads
of the Offices concerned.
~~as required by~~ Sec 72(1)
of the Criminal Procedure
Code, Regulation II of 1904.

Print

16/2/07

W^r 15/2/07 ~~The~~ Secretary

To the Dist. Court in Mysore
" the Registrar of the Chief
Court in Mysore
" the S. P. of Police
the District Magistrate } for information

W^r SW
15/2/07 15/2/07

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Courts), dated 20th March 1907.

READ—

Letter No. 3639, dated the 12th October 1906, from the Revenue Commissioner in Mysore stating that in anticipation of sanction, he permitted Mr. Sparkes, Deputy Commissioner of the Bangalore District, to attend the High Court at Madras on the 31st October 1906 in obedience to a summons issued by that Court and that it would be desirable if summons on officers of the State from Courts outside the State are served through the Heads of Departments concerned.

No. J. 2878-88—CTS. 120-06-4, DATED BANGALORE, 20TH MARCH 1907.

ORDER THEREON.—Under the late Mysore Chief Commissioner's Notifications Nos. 111 and 112, dated the 23rd July 1878, all criminal and civil processes of whatsoever description, when issued by Magistrates or Courts in British India, are required to be acted upon and executed by all Magistrates and Police officers and by all Courts in Mysore respectively under the same conditions, and in the same manner, as if such processes had been issued by Magistrates or Courts, as the case may be, having jurisdiction in Mysore.

2. In conformity with the provisions of the said Notification No. 112, the Madras High Court has issued a rule of practice under Section 652 of the Civil Procedure Code, directing that a process issued by a Court in the Madras Presidency for service in Mysore should be forwarded direct to the Court exercising local jurisdiction at the place where it is to be served. As the service of process directly on the officer concerned instead of through the Head of his Department is found to be attended with inconvenience, the Chief Court will be requested to be so good as to issue the necessary instructions to all Civil Courts in the State to serve such processes received from the Civil Courts in British India through the Heads of Departments concerned.

3. As regards criminal processes issued by Magistrates in British India under Notification No. 111 for service in the State, the attention of Magistrates and Police officers in Mysore should be drawn to Section 72 (1) of the Criminal Procedure Code, Regulation II of 1904, and they should be instructed to serve these processes through the Heads of the offices concerned.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The Registrar of the Chief Court in Mysore.
The Inspector-General of Police in Mysore.
The District Magistrates of Districts.

Exd.—C. V.

1906-07

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(COURTS)

PROCEEDINGS

Dated 20th March 1907

No. J. 2878-88
Cts. 120-06-4

Directing that all civil and criminal processes of whatsoever description issued by Courts or Magistrates in British India and sent to Courts or Magistrates in Mysore for service on officers of the State be served through the Heads of Departments or offices concerned.

GPB—3-4-07—500

for the service of British summonses through the Heads of Depts or ~~the~~ any other prescribed Channel

To the Registrar, Chief Court of Mysore
" D.G. of Police
" Dist magistrates
" Revenue Comm in Mysore

} No 92878 88 & sec 3 of

Request the Chief Court to issue necessary instructions to all civil Courts in the State to serve the processes received from the Civil Courts in British India through the Heads of Depts and as regards Criminal processes issued by magistrates in British India under Notification No 111 of 23.7.1878 invites the attention of magistrates and Police Officers to sec 92 (1) of the Criminal Procedure Code Regn II - 1904 and directs them to serve the processes through the Heads of Offices Concerned.